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MICHELLE A. ZARINELLI C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68154			EXAMINER TRUONG, LECHI	
			ART UNIT 2194	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/812,855	Applicant(s) WEBSTER ET AL.	
	Examiner LECHI TRUONG	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/31/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-42 are represented for the examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1, 29, 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:

the given conference call host – claim 1;

the telephoned number - claim 29, 31.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-40 are ejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
4. Claims 1-40 directed to the method claims that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to quality as a 101 statutory process, the claim should be positively reciting the other statutory class (the thing or product) to which it is

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tied, for example by identifying the apparatus that accomplishes the method steps. Appropriate correction is required to add the computer performs the step of the methods.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1, 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 14 of copending application serial no: 12/241140. Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems comprise substantially the same elements. The differences between claims 1, 7, 14 of the application and this case is the unique identifier distinctive the given conferee, the at least one unique identifier is a physical or virtual location from.

Claim Objections

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7. Claim 1, 4-5, and 7 8, 41, 42 objected to because of the following informalities: There is a type error on the phrase “the conferee”. Appropriate correction is required to change from the “the conferee” to “the given conferee”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **1-6, 8-29, 41, 42** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shalit (US 2002 /0122391 A1) in views of Stern (US 6920212 B2) and further in view of Slaughter (US 5598536 A).

As to claim 1, Shalit teaches the invention substantially as claimed including: one request(request, para[0028], ln 1-5/ para[0093], ln 1-5/ right col 7, ln 17-20), the given conferee(a user, para[0028], ln 1-5/ a one-line text messaging service, right col 7, ln 17-20), receiving at least one request from the given conferee (para[0028], ln 1-5/ para[0093], ln 1-5/ right col 7, ln 17-20), to enroll in conferencing services(right col 7, ln 17-20); receiving data representing at least one identifier relating to the given conferee(a telephone number, para[0028], ln 4-9/the caller dials the long distance number to reach a conference, para[0096], ln 1-4); data representing access information(numeric access codes, para[0028], ln 1-7/ para[0056],

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ln 1-5/ right col 7, ln 17-20), providing data representing access information to the given conferee(para[0028], ln 1-7/ para[0056], ln 1-5/ right col 7, ln 17-20), wherein the given conferee can request access to a given conference call using the access information(right col 7, ln 17-25), and configuring at least one component of a system related to supporting the at least one given conference call to connect the given conferee directly to the given conference call (An alternate interface allows all participants to receive calling instructions directly with support from the hosting instant messenger, chat, collaboration client. Each buddy number can be used for one call. To make additional calls, users must provide another conference, para[0113], ln 4-9), in response to recognition of at least one of the access information and the at least one unique identifier in at number using a standard or VoIP telephone and to enter the access code given to them. The call is received at the conferencing platform from at least two of the selected users. The conferencing platform matches the access codes entered by the at least two users, and places them into a conference call. As a result of this system, the selected users can communicate orally over the telephone network, para [0028], ln 4-11).

14. Shalit does not teach receiving via the telecommunications device at least one unique identifier distinctive to the conferee, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services and wherein the at least one unique identifier can be across referenced with a plurality of unique identifiers distinctive to. However, Stern teaches via the telecommunications device at least one unique identifier distinctive to the conferee, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services and wherein the at least

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one unique identifier can be across referenced with a plurality of unique identifiers distinctive to (The teleconferencing bridge may identify individual conferences by means of a unique conference identification (I.D.) number. The teleconferencing bridge may include a storage element 22 where it may maintain a database of conference I.D. numbers and information regarding the associated conferences, and subscribers. The conference I.D. number may also be used by the bridge to distinguish between a host and guests of a particular conference, as will be discussed in more detail infra. The conference I.D. number may be used to derive an input sequence, such as a string of digits, for example, a telephone number, that may be assigned to a subscriber to allow the subscriber to access the teleconferencing bridge, col 3, ln 61-67 to col 4, ln 1-6 /After the conference I.D. number has been validated, and assuming the conference I.D. number is found to be valid, the conferee is connected to the particular conference identified by the conference I.D. number. The teleconferencing bridge may continually allocate and re-allocate communication channels and bandwidth to a plurality, col 6, ln 50-55/from the PIN and the information derived from the telephone number, a conference I.D. number, validating the conference I.D. number, and allocating the space to the subscriber unit based on a result of validating the conference I.D. number, col 2, ln 55-60).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Shalit with Stern t to incorporate the feature of receiving via the telecommunications device at least one unique identifier distinctive to the conferee, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services because this provides address these issues to provide acceptable quality voice communication over data networks such

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as the Internet.

Shalit and Stern do not teach unique identifier is a location from which the given conferee can initiate communications to access conferencing services, providing data stores populated with at least one access information data stores populated with at least one access information data unique and necessary to admit the conferee to error in the conferencing service, populating the data stores with at least one unique identifier distinctive to the conferee, at least one unique identifier in the data stores. Extracting the at least one identifier from the data stores, wherein if the at least one identifier from the data stores matches the at least one access information from the data stores, the conferee is able to error in the conferencing services. However, Slaughter teaches the at least one unique identifier is a location from which the given conferee can initiate communications to access conferencing services (After the remote access server 16 determines a unique IP address based on the user ID string 20 by referring to the database 30, the server 16 sends the unique IP address to the remote computer 12 via, for example, the modems 24, 26 and the telephone lines 22. The remote computer 12 gains access to the network 14 through the remote access server 16 and uses the IP address to communicate with, and utilize the services and resources available on, the network 14, col 4, ln 11-18/ col 8, ln 5-26/ The database 30 [storage]includes a unique user ID string for each remote user and a unique IP address for each user ID string, col 4, ln 1-5/ receiving from the communication port a user identification string which was entered by the remote user at the remote computer and which uniquely identifies the remote user, using the user identification string to access a database and retrieve a unique IP address associated with the user identification string, the database including a unique user identification string for each remote user and a unique IP address for

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each user identification string such that the same unique IP address is retrieved every time a particular remote user enters the user identification string uniquely identifying that remote user, sending the IP address to the remote computer via the communication port, and allowing the remote computer to access the computer network through the server and to communicate on the computer network using the IP address, col 9, ln 20-30 to col 10, ln 1-3/ The remote access server then uses the received user ID string to perform a look-up in the database of user ID strings and IP addresses (step 59). The remote access server retrieves from the database the unique IP address associated with the user ID string, if any (step 60). The remote access server then sends the retrieved unique IP address to the remote computer via the communication port and the telephone lines (step 62). The remote access server then allows the remote computer to access the local computer network and to communicate on the network using the unique IP address (step 64), col 6, ln 55-65).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Shalit and Stern with Slaughter to incorporate the feature of unique identifier is a location from which the given conferee can initiate communications to access conferencing services, the at least one identifier from the data stores matches the at least one access information from the data stores, the conferee is able to error in the conferencing services because this allows one or more remote computers to access simultaneously a local computer network, even if each of the remote computers employs a different protocol.

As to claim 2, Shalit teaches receiving at least one request from the given conferee includes receiving a request from a host to enroll in conferencing services (para [0093], ln 1-6).

As to claim 3, Shalit teaches receiving at least one request from the given conferee

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includes receiving a request from a participant associated with a given enrolled conference call host Para [0015], ln 1-7).

As to claim 4, Stern teaches receiving data representing at least one unique identifier includes obtaining data representing at least one voice print of the conferee (col 7, ln 41-55).

As to claim 5, Shalit teaches receiving data representing at least one unique identifier includes obtaining data representing at least one voice print of the conferee when the conferee enrolls to receive conferencing services (para [0028], ln 1-8).

As to claim 6, Stern teaches receiving data representing at least one unique identifier includes obtaining data representing at least one of an e-mail address, a Universal Resource 25 Locator, a browser cookie, an IP address, and an SIP address (col 7, ln 60-61).

As to claim 8, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above.

As to claim 9, Stern teaches receiving data representing the at least one unique identifier associated to at least one device from which the given conference call host may originate at least one request to access the given conference call(col 3, ln 61-67 to col 4, ln 1-6).

As to claim 10, Shalit teaches receiving data includes receiving a unique telephone number to be dialed by the given conference call host (para [0096], ln 1-7).

As to claim 11, Shalit teaches wherein receiving data includes receiving data representing the unique identifier from the given conference call host (para [0096], ln 1-7).

As to claim 12, Stern teaches receiving data representing the unique identifier from a device associated with the given conference call host (col 3, ln 61-67 to col 4, ln 1-6).

As to claim 13, Shalit teaches providing data includes providing at least one telephone 25

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numbers to the given conference call (para [0096], ln 1-7).

As to claim 14, Shalit teaches configuring at least one component includes configuring the component to connect the given conference call host directly to the given conference call in response to recognition of the access information and the at least one unique identifier(para[0113], ln 4-9/ para[0028], ln 4-11).

As to claim 15, Shalit teaches receiving at least one request includes receiving at least one request from the given conference call host to subscribe to pre-paid conferencing services (para [0056], ln 1-5).

As to claim 16, Stern teaches receiving at least one request includes receiving at least one communication from the given conference call host to subscribe to conferencing services (col 2, ln 55-60).

As to claim 17, Stern teaches receiving data representing at least one unique identifier includes automatically capturing the data representing the at least one identifier during the communication (col 2, ln 55-60).

As to claim 18, Stern teaches automatically capturing the data includes automatically capturing data identifying a handset from which the communication originated (col 5, ln 35-45).

As to claim 19, Shalit teaches the method of claim 18, wherein configuring at least one component includes populating at least part of a data store with the data identifying the handset (para [0028], ln 1-10).

As to claim 20, Shalit teaches receiving data representing at least a further unique identifier being associated with at least a further handset from which the given conference call host may initiate at least one communication to access conferencing services(para[0028], ln 1-

10).

As to claim 21, Shalit teaches receiving data representing at least one unique identifier includes receiving data representing a plurality of telephone numbers corresponding to a plurality of respective handsets from which the given conference call host may initiate at least one communication to access conferencing services(para[0096], ln 1-20).

As to claim 22, Stern teaches wired handset from which the given conference call hosts may initiate at least one communication to access conferencing services (col 7, ln 55-60).

As to claim 23, Stern teaches receiving data representing at least one identifier includes receiving data representing at least one telephone number associated with a wireless handset from which the given conference call host may initiate at least one communication to access conferencing services(col 7, ln 59-67).

As to claim 24, Shalit teaches providing to the given conference call host data representing at least a further telephone number, wherein the given conference call host can access conferencing services to a given conference call by dialing at least the further telephone number(para[0096], ln 1-10).

As to claim 25, Shalit teaches data representing at least one telephone number includes providing data representing a telephone number dedicated to only the given conference call host(para[0096], ln 1-10).

As to claim 26, Shalit teaches providing data representing at least one telephone number includes providing data representing a telephone number shared by a plurality of conference call hosts (para [0088], ln 1-3).

As to claims 27, 28, they are apparatus claims of claims 14, 15; therefore, they are

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rejected for the same reasons as claims 14, 15 above.

As to claim 29, Sterb teaches representing the at least one unique identifier into a data store (col 3, ln 59-67).

As to claims 41, 42, they are apparatus claims of claim 1; therefore, they are rejected for the same reason as claim 1 above.

9. Claims **30-40** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shalit (US 2002 /0122391 A1) in views of Stern (US 6920212 B2) and further in view of Slaughter (US 5598536 A).

As to claim 30, Shalit and Stern do not teaches configuring at least one component includes configuring at least one voice response unit to connect the given conference call host directly to the given conference call in response to recognizing the at least one unique identifier in connection with at least one communication received from the given conference call host . However, Peon teaches configuring at least one component includes configuring at least one voice response unit to connect the given conference call host directly to the given conference call in response to recognizing the at least one unique identifier in connection with at least one communication received from the given conference call host(col 10, ln 25-35).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Shalit and Stern with Peon to incorporate the feature of configuring at least one component includes configuring at least one voice response unit to connect the given conference call host directly to the given conference call in response to

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recognizing the at least one unique identifier in connection with at least one communication received from the given conference call host because this provides an easy way access to variety of advances features with reside in a telephone network.

As to claims 31, 32, they are apparatus claims of claim 14; therefore, they are rejected for the same reason as claim 14 above.

As to claim 33, Peon teaches supporting at least one server that is adapted to connect the given conference call host directly to the given conference call in response to recognizing the at least one unique identifier in connection with at least one communication received from the given conference call host(col 7, ln 42-50).

As to claims 34, 35, 36 they are apparatus claims of claim 14; therefore, it is rejected for the same reason as claim 14 above.

As to claim 37, Peon teaches configuring at least one component includes configuring 20 the at least one component to connect the given conference call host directly to the given conference call without any further input from the given conference call host(col 12, ln 40-49).

As to claim 38, Peon teaches configuring at least one component includes configuring the at least one component to connect the given conference call host directly to the given conference call without entry of any further data by the given conference call host(col 12, ln 40-49).

As to claim 39, Peon teaches configuring at least one component includes configuring the at least one component to connect the given conference call host directly to the given conference call without entry of any further data by the given conference call host, besides dialing a telephone number to access conferencing services(col 12, ln 40-49).

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As to claim 40, Peon teaches wherein configuring at least one component includes configuring the at least one component to connect the given conference call host directly to the given conference call by bypassing entry of at least one conference pass code by the given conference call host(col 7, ln 20-28).

10. Claim 7 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Shalit (US 2002 /0122391 A1) in views of Stern(US 6920212 B2) in view of Slaughter (US 5598536 A), as applied to claim 1 above, and further in view of Bieselin (US 5559875).

As to claim 7, Shalit, Stern and Slaughter do not teach biometric parameter associated with the conferee. However, Bieselin teaches biometric parameter associated with the conferee (speech processing which uses a conference participant's voice print to identify the conference participant speaking may be employed, col 7, and ln 15-22).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Shalit, Stern and Slaughter with Bieselin to incorporate the feature of teach biometric parameter associated with the conferee because this provides the additional information, for example, the spoken names of the conference participants, to the user.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

Examiner, Art Unit 2194

LeChi Truong

May 1, 2009